

BEFORE THE  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF  
VIOLATION ISSUED TO:

Ron Linch  
Sierra Construction  
P.O. Box 210  
Linch, WY 82640

DOCKET NUMBER 5412-14

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:


1. Ron Linch is the owner of Sierra Construction Company, Inc. which operates a commercial oil wastewater disposal facility (COWDF) located in Section 14, Township 42 North, Range 78 West, in Johnson County, Wyoming.
2. On December 1, 2010 Wyoming Department of Environmental Quality/Water Quality Division (WDEQ/WQD) personnel conducted an inspection of the facility. It was noted during the inspection that the evaporation pond had less than one (1) foot of freeboard. NOV and Order Docket Number 3051-99 issued in 1999 required Sierra Construction to install a freeboard staff gauge and maintain a two (2) foot freeboard on the evaporation pond. Also noted during the inspection were aerators operating in windy conditions and causing overspray to extend beyond the banks of the pond.
3. An intermittent drainage exists near the facility and discharges into Meadow Creek and is threatened by the overspray.
4. The WDEQ/WQD issued a Letter of Violation (LOV) to Sierra Construction on December 2, 2010 citing non-compliance with the two (2) foot freeboard requirement and the overspray extending beyond the banks of the pond and threatening to pollute waters of the state.
5. On October 31, 2011 WDEQ/WQD personnel conducted an inspection of the facility. The evaporation pond had less than one (1) foot of freeboard and the aerators were again operating during windy conditions causing overspray outside of the banks of the pond.
6. The Wyoming Department of Environmental Quality/Water Quality Division (WDEQ/WQD) issued another LOV to Sierra Construction on November 2, 2011 again citing the non-compliance with the two (2) foot freeboard requirement and the overspray extending beyond the banks of the pond and threatening to pollute waters of the state.
7. On February 14, 2014 WDEQ/WQD personnel conducted another routine inspection of the facility. The evaporation pond had less than one (1) foot of freeboard and the aerators were operating with overspray beyond the banks of the pond.
8. Ron Linch and Sierra Construction have violated condition one (1) of the NOV and Order Docket Number 3051-99 requiring them to maintain a two (2) foot freeboard in the evaporation pond and they have violated W.S. 35-11-301(a)(i) by allowing overspray to threaten to pollute waters of the state.

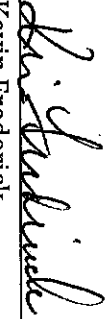
9. This Notice is being sent to you pursuant to W.S. 35-11-701(c)(j), which requires that in any case of the failure to correct or remedy an alleged violation, the Director of DEQ shall cause a written notice to be issued and served on the person alleged to be responsible.

10. Pursuant to Wyoming Statute 35-11-901(a), any person who violates, or any director, officer or agent of a corporate permittee who willingly and knowingly authorizes, orders or carries out the violation of any provision of the Environmental Quality Act (Act), or any rule, regulation, standard or permit adopted hereunder or who violates any determination or order of the council pursuant to this act or any rule, regulation, standard, permit, license or variance is subject to a penalty not to exceed ten thousand dollars and no cents (\$10,000.00) for each violation for each day during which the violation continues, a temporary or permanent injunction, or both a penalty and an injunction. The penalty may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming. Nothing herein shall preclude the department from negotiating stipulated settlements involving the payment of a penalty, implementation of compliance schedules or other settlement conditions, in lieu of litigation.

NOTHING IN THIS NOTICE OF VIOLATION (NOV) shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this NOV be interpreted as being a condition precedent to any other enforcement action.

Signed this 30th day of June, 2014.

  
\_\_\_\_\_  
Todd T. Parfitt  
Director  
Department of Environmental Quality

  
\_\_\_\_\_  
Kevin Frederick  
Administrator  
Water Quality Division

**PLEASE DIRECT ALL INQUIRIES TO:** Dennis Lamb, Water & Wastewater Section, Wyoming DEQ,  
WQD, 152 N. Durbin, Suite 100, Casper, WY, 82601. Telephone 307-473-3452.

TP/KF/JDL/bb/14-0548

cc: IPS  
Dennis Lamb, WWW, Casper  
Keith Guille, DEQ Public Information Officer